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## United States v. Moore

United States District Court for the Eastern District of Michigan, Southern Division

April 27, 2022, Decided; April 27, 2022, Filed

Case No. 06-20465

### Reporter

2022 U.S. Dist. LEXIS 76593 \*; 2022 WL 1251009

United States of America, Plaintiff, v. Leonard "Bo" Moore, D-6, Defendant.

**Prior History:** [United States v. Moore, 2021 U.S. Dist. LEXIS 234595, 2021 WL 5795322 \( E.D. Mich., Dec. 7, 2021\)](#)

### Core Terms

prior decision, reconsideration, reconsideration motion, new facts, compassionate, intervening change, health condition, controlling law, Non-Final, vacated, Orders

**Counsel:** [\*1] For United States of America, Plaintiff: Andrew Goetz, Diane L. Marion, Robert A. Moran, Steven P. Cares, U.S. Attorney's Office, Detroit, MI; Eric M. Straus, Tauras N. Ziedas, United States Attorney's Office, Detroit, MI; William M. Sloan, U.S. Attorney's Office, Eastern District of Michigan, Detroit, MI.

**Judges:** Honorable Nancy G. Edmunds, United States District Judge.

**Opinion by:** Nancy G. Edmunds

### Opinion

#### **ORDER DENYING MOTION FOR RECONSIDERATION OF DECEMBER 7, 2021 ORDER DENYING MOTION FOR COMPASSIONATE RELEASE [3121]**

Defendant Leonard Moore is currently in the custody of the Federal Bureau of Prisons ("BOP"). On August 18, 2021, Defendant moved for compassionate release pursuant to [18 U.S.C. § 3582\(c\)](#). (ECF No. 3101.) The Court denied Defendant's motion in an Order dated December 7, 2021. (ECF No. 3118.) Now before the Court is Defendant's Motion for Reconsideration of that

Order, filed December 28, 2021. (ECF No. 3121.)

In his motion, Defendant argues that his health conditions and the combination of those health conditions along with the COVID-19 pandemic constitute extraordinary and compelling reasons for a sentence modification. (ECF No. 3121, PageID.24985-89.) In support of this assertion, Defendant cites the recent Sixth Circuit [\*2] opinion issued in [United States v. McCall, 20 F.4th 1108, 1113 \(6th Cir. 2021\)](#), *reh'g en banc granted, opinion vacated*, [29 F.4th 816 \(6th Cir. 2022\)](#).

Motions for reconsideration are governed by Eastern District of Michigan Local Rule 7.1(h), which provides in relevant part:

(2) Non-Final Orders. Motions for reconsideration of non-final orders are disfavored. They must be filed within 14 days after entry of the order and may be brought only upon the following grounds:

(A) The court made a mistake, correcting the mistake changes the outcome of the prior decision, and the mistake was based on the record and law before the court at the time of its prior decision;

(B) An intervening change in controlling law warrants a different outcome; or

(C) New facts warrant a different outcome and the new facts could not have been discovered with reasonable diligence before the prior decision.

[E.D. MI L. R. 7.1\(h\)\(2\)](#).

Defendant's motion for reconsideration is denied as untimely as it was filed more than 14 days after the December 7, 2021 Order. Even if the motion were filed before the deadline, however, Defendant's motion would be denied on the merits as he has not shown that the Court made a mistake "based on the record and law before the court at the time of its prior decision," that there has been an "intervening change in controlling law," or that new facts [\*3] that could not have been discovered prior to December 7, 2021 exist. (*See id.*)

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Defendant makes the same arguments in his present motion that he made in support of his motion for compassionate release. But motions for reconsideration "are not the proper vehicle to relitigate issues previously considered." See [\*Nagle Indus., Inc. v. Ford Motor Co.\*, 175 F.R.D. 251, 255 \(E.D. Mich. 1997\)](#) (internal quotations and citation omitted). Additionally, although Defendant cites a Sixth Circuit opinion that was issued after this Court's December 7, 2021 Order, that opinion has since been vacated and in any event, does not apply to Defendant's circumstances.

Accordingly, Defendant's motion for reconsideration is DENIED.

SO ORDERED.

/s/ Nancy G. Edmunds

Nancy G. Edmunds

United States District Court Judge

Dated: April 27, 2022

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